



Partnerships In Transit

Dallas, Texas

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Local Perspectives

What's Happened/is Happening in
Texas

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What We'll Cover



- Texas History-Was the Alamo was the First PPP?
- Texas Statutes
- Southwest Experience
 - Dallas Area Rapid Transit
 - TRE-DART & FWTa
 - New Mexico
 - Denton County Transportation Authority
 - What's Next



Texas History



- Policy/Statutory Conflict

- Texas Professional Services Act requires professional services not be awarded on price.
- Texas Local Government Code Requires construction contracts be awarded by low bid.
- In 1990 a Texas Attorney General's Opinion (#JM-1189) basically said NO to any design-build procurements, w/out specific statutory authority.
- First breach of this wall was 1995 Senate Bill 1, an Omnibus Education Reform Bill. "Hidden" language allowed "best value" procurement, including design build.
- 2003, in House Bill 3588, TxDOT was allowed to use CDA



Texas History



- **Policy/Statutory Conflict**
 - Big change in 2007 with Subchapter J of Texas Local Govt. Code—"Design-Build Procedures for Certain Civil Works Projects" Section 271.181 et seq.
 - This codified HB 1886 of the 79th Legislature.
 - Really opens the door for more clearly defined (but still not well defined) rules in Texas for PPP.
 - ✦ Sets out procedures on how, when, how many, etc.
 - ✦ Leaves a lot unsaid
 - Coming session of the Legislature (meets once every two years in Texas) more will be done on this.



DART in the Beginning



- Dallas Area Rapid Transit Starter System
- Classic Design, Bid, Build.

Other DART PPPs





Trinity Railway Express



- Trinity Railway Express (TRE)
 - Joint Project of DART & FWTa. Opened in 1996.
 - Multi-phases.
 - Phase 1 (shhh this is a secret –it was Design Build)
 - ✦ Vehicles were Design-Rebuild of old Budd RDC cars
 - ✦ Track and signals were Design-Build by BNSF
 - ✦ Phase 2 was CMGC & M (again this is a secret)
 - ✦ Never challenged on procurement method



New Mexico Rail Runner Express



- New Mexico Rail Runner Express
 - Vehicles were Design-Bid-Build
 - Phase 1 track was Build-Operate-Maintain
 - Phase 1 signals were Design, then Build-Operate-Maintain
 - Phase 2 was Design-Build
 - Phase 3 (last 3 miles in Santa Fe) is Design, Bid, Build
 - VERY FAST IMPLEMENTATION



DART



- DART Green Line
 - Two contracts for construction: Southeast (Fair Park) & Carrollton
 - CMGC procurement
 - Well under construction
 - Complicated procurement documents



DCTA



- Denton County Transportation Authority (DCTA)
 - 21 mile system linking up to DART's Green Line extension in Carrollton
 - Separate statute from DART. Broad authority to procure.
 - Selected CMGC w/OM method. 65% design, then proposals for CMGC, based on Denver RTD's model.
 - Includes, however, an O & M component.
 - Contract will be awarded, or funded, in three segments:
 - ✦ Preconstruction services (awarded this month)
 - ✦ Construction services-Guaranteed Maximum Price (GMP) by Jan 2009
 - ✦ Operations and Maintenance contract negotiated by Spring, 2010



DART



- DART Orange & Green Line (Irving & Rowlett)
 - Much publicized budget & schedule challenges
 - DART developed two Design-Build packages tailored to the 2007 statute.
 - First example of this in the State.
 - Active Procurement



Commuter Rail PPP



- The Original Transit PPP?
 - Most all Commuter Rail Systems share track.
 - Many new systems fund track & signal improvements, Designed-Built-Operated-Maintained by host Railroad (BNSF, UP, etc.)
 - Vehicles Design-Bid-Build
 - Stations vary
 - By necessity, tight bond between Private Railroads and Transit



What's Next????



- Can We All Say Two Words?
- Cotton Belt
- Possible True PPP on DART Owned Cotton Belt Rail Line Across Northern Tier of Dallas County, DFW Airport, Northeast Tarrant County, and Downtown Ft. Worth.
- Tarrant County Portion Subject to a Just Released DEIS, but Much Interest Across the Entire Region.